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11-4-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Noel Enete et al.  
Serial No. : 09/911,799  
Filed : July 25, 2001  
Title : VIDEO MESSAGING

Art Unit : 2155  
Examiner : H. Alam

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Technology Center 2100

REQUEST FOR RECONSIDERATION OF PETITION TO CORRECT INVENTORSHIP  
UNDER 37 CFR 1.48(a)

Reconsideration of the Petition to Correct Inventorship Under 37 CFR 1.48(a) filed on March 4, 2003 is respectfully requested. The communication mailed on September 5, 2003 states that the request to correct inventorship under 37 CFR 1.48(a) is deficient because:

"The statement of facts by an inventor or inventors to be added or deleted does not explicitly state that the inventorship error occurred without deceptive intent on his or her part or cannot be construed to so state."

Applicants respectfully disagree. As filed, the request to correct inventorship stated that:

"Through error and without deceptive intent, Gustavo Alejandro Di Martino was omitted as a joint inventor. Thus, this Request to Correct Inventorship is necessitated only by the omission, through error and without deceptive intent, of Gustavo Alejandro Di Martino."

The communication mailed on September 5, 2003 also states that "[t]he declaration submitted by inventor Gustavo Alejandro Di Martino does not confirm the error made in inventorship."

Applicants respectfully disagree. The declaration submitted by Mr. Di Martino states, in Paragraph No. 2:

"That through error, without any deceptive intention on his part or that of any actual inventor, the above-captioned application was filed naming NOEL ENETE, WAYNE PACKARD, and HARRY W. MORRIS, rather than NOEL ENETE, WAYNE PACKARD, HARRY W. MORRIS, and GUSTAVO ALEJANDRO DI MARTINO. This error was discovered after the application was filed."

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Serial No. : 09/911,799  
Filed : July 25, 2001  
Page : 2 of 2

Attorney's Docket No.: 06975-  
133001 / Communications 40

A copy of the Request to Correct Inventorship as filed is included for the convenience of the Examiner.

Applicants submit that the requirements of 37 CFR 1.48(a) have been fulfilled and respectfully requested that this petition be granted.

Please apply any other charges or credits to deposit account 06-1050, Reference No. 06975-133001. Any telephone inquiries may be directed to the undersigned attorney, Scott R. Boalick at 202-626-6385.

Respectfully submitted,

Date: October 15, 2003

  
\_\_\_\_\_  
Scott R. Boalick  
Reg. No. 42,337

Fish & Richardson P.C.  
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11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
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Enclosure



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Noel Enete et al.  
Serial No. : 09/911,799  
Filed : July 25, 2001  
Title : VIDEO MESSAGING

Art Unit : 2681  
Examiner : Unknown

COPY

Commissioner for Patents  
Washington, D.C. 20231

REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(a)

Applicants hereby request under 37 CFR 1.48(a) correction of inventorship in the above-captioned patent application to include the following as the joint inventors:

Noel Enete,  
Wayne Packard,  
Harry W. Morris, and  
Gustavo Alejandro Di Martino.

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The application was originally filed naming Noel Enete, Wayne Packard, and Harry W. Morris as joint inventors. Through error and without deceptive intent, Gustavo Alejandro Di Martino was omitted as a joint inventor. Thus, this Request to Correct Inventorship is necessitated only by the omission, through error and without deceptive intent, of Gustavo Alejandro Di Martino.

Submitted in support of this request are the following documents:

- 1) A declaration by a person, Gustavo Alejandro Di Martino, omitted as an inventor in error, confirming that the error in inventorship occurred without deceptive intent on his part.
- 2) A new combined declaration and power of attorney signed by the joint inventors, Noel Enete, Wayne Packard, Harry W. Morris, and Gustavo Alejandro Di Martino.
- 3) The written consent of the assignee consenting to the correction of inventorship.
- 4) A check for \$130.00 in payment of the required fee under 37 CFR § 1.17(i).

We also request issuance of a corrected Official Filing Receipt reflecting the corrected inventorship.

Applicant : Noel Enete et al.  
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Attorney's Docket No.: 06975-  
133001 / Communications 40

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

COPY

Date: March 4, 2003

Scott R. Boalick  
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Applicant : Noel Enete et al.  
Serial No. : 09/911,799  
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Examiner : Unknown

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WRITTEN CONSENT OF ASSIGNEE  
FOR INVENTORSHIP CORRECTION  
UNDER 37 CFR § 1.48(a)(5) AND § 3.73(b)

Technology Center 2100

As an officer of the concern to which the noted application has been assigned, I hereby consent to the correction of inventorship of this application from the naming of NOEL ENETE, WAYNE PACKARD, and HARRY W. MORRIS to the naming of NOEL ENETE, WAYNE PACKARD, HARRY W. MORRIS, and GUSTAVO ALEJANDRO DI MARTINO.

Under 37 CFR §3.73(b), America Online, Inc., a Delaware corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from inventors of the patent application identified above (copy attached). The executed assignment is being recorded concurrently with this filing in the United States Patent & Trademark Office by separate cover sheet.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: Feb. 27, 2003

James R. Bramson  
James R. Bramson  
Title: Vice President and Associate General Counsel